



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,133	08/10/2001	Russell Andrew Fink	00-4045	6468
32127 7590 05/04/2009 VERIZON LEGAL DEPARTMENT PATENT MANAGEMENT GROUP 1320 N. COURTHOUSE ROAD 9TH FLOOR ARLINGTON, VA 22201-2525				
			EXAMINER TESLOVICH, TAMARA	
			ART UNIT 2437	PAPER NUMBER
			NOTIFICATION DATE 05/04/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

Office Action Summary

Application No.

09/928,133

Applicant(s)

FINK ET AL.

Examiner

Tamara Teslovich

Art Unit

2437

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/21/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Applicant's Remarks and Amendments filed January 21, 2009.

Claims 1-20 and 25-32 are pending and herein considered.

Response to Arguments

Applicant's arguments with respect to claims 1-20 and 25-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-20 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While the preamble of independent claim 16 and dependent claims 17-20 and 31-32 each call for a device/apparatus, no specific hardware is recited in the body of these claims and as such, the scope of the apparatus claim is unclear.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-20 and 31-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The functions of these claims may be implemented entirely by software. Furthermore, the claims fail to define any structural or functional interrelationship between the software and the apparatus of the preamble which would permit the software's functionality to be realized.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 and 25-32 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,548,646 to Aziz et al.

As per **claim 1**, Aziz teaches an apparatus for detecting adversarial activity on the network, comprising: a memory configured to store a host table (col.4 lines 31-41); a key exchanger configured to repeatedly derive a cipher key such that the resulting cipher key changes over time (col.3 lines 49-63, col.5 lines 56-61, col.10 lines 24-45); a translator configured to restore predetermined portions of packet header information of a data packet according to a cipher algorithm keyed by the cipher key, wherein the

predetermined portions include a previously translated address, the previously translated address being restored into the address (Abstract, col.6 lines 1-11, col.7 lines 55-65); a mapping device configured to map the address to the host table (col.4 lines 31-41 and 48-67); a host resolution device configured to issue a request to the network to resolve the address when the address does not match an entry in the host table and then supplement the host table with the address upon receipt of a reply to the request that indicates that the address is valid (col.15 lines 1-50) and an actuator configured to trigger a security device when the address does not match an entry in the host table (col.15 lines 1-17 and 27-39).

As per **claim 2**, Aziz teaches wherein the security device is a logging device configured to log the data packet (col.7 lines 49-54).

As per **claim 3**, Aziz teaches wherein the security device is configured to signal an alarm when triggered (col.15 lines 1-17 and 27-39).

As per **claim 4**, Aziz teaches wherein said host resolution device is configured to derive the host table using an address resolution protocol (col.4 lines 31-41 and 48-67).

As per **claim 5**, Aziz teaches a network device configured to place the data packet onto a network when the address maps to the host table (col.8 lines 34-40).

As per **claim 25**, Aziz teaches wherein the address includes a network portion and an apparatus portion, the apparatus portion of the address having been translated without the network portion also being translated, and wherein said translator is

configured to restore the apparatus portion of the address without also restoring the network portion of the address (Abstract, col.2 lines 32-36, col.6 lines 21-33).

As per **claim 26**, Aziz teaches wherein the data packet includes a translated packet header with a plurality of fields carrying packet header information, the translated packet header including the translated packet header information in one or more predetermined fields of the translated packet header interspersed with un-translated packet header information in fields other than the one or more fields of the translated packet header, and wherein said translator is configured to restore at least a portion of the packet header information in the one or more predetermined fields (Abstract, col.2 lines 32-36, col.6 lines 21-33).

Claims 6-10 and 27-28 correspond to the method employed by the apparatus in claims 1-5 and 25-26 respectively and are rejected accordingly.

Claims 11-15 and 29-30 correspond to a device equivalent to the apparatus in claims 1-5 and 25-26 respectively and are rejected accordingly.

Claims 16-20 and 31-32 correspond to a bastion-host form of the apparatus in claims 1-5 and 25-26 respectively and are rejected accordingly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571)272-4241. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437